

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

July 21, 2011

8:30 A.M. ROLL CALL

Invocation by Pastor Steve Thurman of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Brand - **Presented**

Proclamation of “[DE YOUNG PROPERTIES DAY](#)” – Mayor's Office – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 22, 23, 24 and 30, 2011

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve the appointment of Mark Scott to the General Service Employees' Retirement Board and the re-appointments of Interim Fire Chief, Joel Aranaz and Interim Police Chief, Jerry Dyer to the Fire and Police Retirement Board as temporary employees – Mayor's Office
Action Taken: Approved
- B. Authorize the Chief of Police to enter into a lease agreement with HR, LLC, a California Limited Liability Company, to lease property for Special Investigations Bureau Offices located at 5051-5059 E. McKinley – Police Dept.
Action Taken: Authorized
- C. Approve the Workforce Investment Act Local Plan Modification for program year 2010-2011 – City Manager's Office
Action Taken: Approved
- D. Approve agreement for professional consulting services with Coffman Associates, Inc., for the preparation of NEPA and CEQA environmental documentation for Runway Safety Area modifications at Fresno Yosemite International Airport in the amount of \$255,205 – Airports Department
Action Taken: Approved
- E. Authorize the Chief of Police to enter into an agreement with Fresno County Superintendent of Schools to provide one (1) School Resource officer at 100% of the actual cost of the officer, administrative fees and the operation and maintenance costs of one (1) patrol vehicle for a total of \$125,915 – Police Department
Action Taken: Authorized
- F. * **RESOLUTION** - Establishing a loan program for abandonment of single family residential septic tank and cesspool systems and sewer line installation and connection to the City sewer system (City wide) – Department of Public Utilities
Action Taken: Resolution No. 2011-147 adopted

1. **CONSENT CALENDAR CONTINUED**

- G. Document pertaining to the completion of the Cedar Avenue overlay from Clinton Avenue to Gettysburg Avenue (*Property located in Districts 4 and 7*) – Public Works Department
1. * **RESOLUTION** – 1st amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$607,200 for the completion of the Cedar Avenue overlay from Clinton Avenue to Gettysburg Avenue (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-148 adopted
 2. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301 (existing facilities) of the CEQA Guidelines for the ARRA – Cedar Avenue overlay, Clinton Avenue to Gettysburg Avenue
Action Taken: Adopted
 3. Award a construction contract with Granite Construction Company of Watsonville, CA in the amount of \$679,126.60 for the ARRA – Cedar Avenue overlay, Clinton Avenue to Gettysburg Avenue
Action Taken: Awarded
- H. Adopt Finding of Conformity per staff determination, pursuant to Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) for the installation of curb, gutter, sidewalk and transition pavement on the north side of Nees between Backer and Chestnut Avenues (*Property located in District 6*) – Public Works Department
Action Taken: Adopted
1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Gary Lee Caldwell, APN 403-070-16, in the amount of \$41,000, for the installation of curb, gutter, side walk and transition pavement on the north side of Nees between Backer and Chestnut Avenues
Action Taken: Approved
- I. **RESOLUTION** – Authorizing the submittal of an application for California Department of Housing and Community Development, Housing-Related Parks Program (Proposition 1C) grant funds in the amount of \$856,525 for rehabilitation of the Ted C. Wills Community Center and the Dickey Park/Playground, and authorize execution of necessary documents (*Property located in District 3*) – PARCS
Action Taken: Resolution No. 2011-157 adopted
- J. Approval of a contract for \$118,000 with Fresno Unified School District for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Edison, Fresno, McLane, and Sunnyside High Schools and Ahwahnee and Edison Computech Middles Schools running through June 30, 2012 (*Property located in Districts 1, 3, 5 & 7*) - PARCS
Action Taken: Approved
1. * **RESOLUTION** – 9th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$118,000 in the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST Program at Edison, Fresno, McLane, and Sunnyside High Schools and Ahwahnee and Edison Computech Middles Schools running through June 30, 2012 (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-149 adopted

1. **CONSENT CALENDAR CONTINUED**

- K. Approve of a one-year contract with Fresno Unified School District for \$316,100 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school recreation program running through June 30, 2012 *(Property located in Districts 1 & 7) – PARCS*
Action Taken: Approved
1. * **RESOLUTION** – 10th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$316,100 in the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school recreation program running through June 30, 2012 *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2011-150 adopted
- L. Approve and ratify the renewal of Senior Hot Meals Food Service Agreement with the Fresno County Economic Opportunities Commission *(Property located in Districts 1, 2, 3, 5 & 7) – PARCS*
Action Taken: Approved
- M. Approve and ratify contract for \$13,200 with Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to provide additional services for the Fresno BEST program at Orange Center Middle School running through June 30, 2012 *(Property located in District 3) – PARCS*
Action Taken: Approved
1. * **RESOLUTION** – 8th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$13,200 in the Parks, After School, Recreation and Community Services Department to provide additional services for the Fresno BEST Program at Orange Center Middle School running through June 30, 2012 *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2011-151 adopted
- N. Approve and ratify contract for \$14,900 with Fresno Unified School District Extended Learning Program to provide funds for the Parks, After School, Recreation and Community Services Department to conduct a summer community science program at Burroughs, Lincoln and Southeast Fresno elementary schools *(Property located in Districts 3, 5 & 7) – PARCS*
Action Taken: Approved
- O. * **RESOLUTION** – 7th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$133,800 from The California Endowment Building Healthy Communities grant in the Parks, After School, Recreation and Community Services Department for recreation & cultural arts programs at Holmes and Romain Neighborhood Parks *(Requires 5 affirmative votes) (Property located in Districts 3 & 7) – PARCS*
Action Taken: Resolution No. 2011-152 adopted
- P. Authorize acceptance of grant funding from the State of California Department of Alcoholic Beverage Control - Police Department
Action Taken: Authorized, subject to City Attorney approval
1. * **RESOLUTION** – 4th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 for \$75,000 for operations related to alcohol use *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2011-153 adopted
- Q. Authorize a joint agreement and accept the Byrne Justice Assistance Grant Program, from the U.S. Department of Justice, Bureau of Justice, for the City and the County of Fresno – Police Department
Action Taken: Authorized
1. * **RESOLUTION** – 5th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 for \$264,900 and authorize the execution of all related documents *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2011-154 adopted
- R. Approve the appointment of Lynda Snauffer to the Civil Service Board – The Mayor's Office
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- S. **RESOLUTION** – Accepting certain offers of dedication within the Map of Tract No. 1933 (Forkner Estates) – Development and Resource Management Department
Action Taken: Resolution No. 2011-155 adopted
1. **RESOLUTION** – Approving the Final Map of Tract No. 5987 and accepting the dedicated public uses offered therein and to authorize the Public Works Director and the Development and Resource Management Director to execute the subdivision agreement and covenants on behalf of the City
Action Taken: Resolution No. 2011-156 adopted
- T. * **BILL NO. B-26 – (Intro. 6/30/2011) (For adoption)** – Amending Subsection (d) of Section 6-205 of the Fresno Municipal Code relating to solid waste, recycling and green waste disposal regulations – Development and Resource Management Dept.
Action Taken: Ordinance No. 2011-23 adopted

CONTESTED CONSENT CALENDAR

9:30 A.M. **GENERAL ADMINISTRATION**

- A. **WORKSHOP** on Draft Downtown Development Code with Stefanos Polyzoides (Moule & Polyzoides) and Tony Perez (Raimi + Associates) – Development and Resource Management Department - Held
- B. Award a contract to Teichert Construction Company, Inc. of Fresno, California for the reconstruction of the commercial east ramp at Fresno Yosemite International Airport in the amount of \$2,888,950.00 – Airports Department
Action Taken: Awarded
- C. Approve second amendment to agreement with Orange Avenue Disposal Company, Inc. (OAD) dated February 25, 2004, to increase the amount paid by the City to OAD by \$4.39 per ton for the transfer, processing and disposal of municipal solid waste – Department of Public Utilities
Action Taken: Rescheduled for 7/28/2011
- D. Documents pertaining to the construction of the water main renewal project at N. Palm Avenue, E. Gettysburg and N. Maroa – Public Works Department (**Property located in Fresno County**)
1. * **RESOLUTION** – 3rd amendment to the Annual Appropriation Resolution (AAR) appropriating \$2,650,000.00 for the water main renewal project at N. Palm Avenue, E. Gettysburg and N. Maroa (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2011-158 adopted
2. Adopt Finding of Class 2 Categorical Exemption, pursuant to Section 15302(c) of the CEQA Guidelines, for the project in the vicinity of N. Palm Avenue, E. Gettysburg Avenue and N. Maroa Avenue installation of 8" water mains
Action Taken: Adopted
3. Award a contract in the amount of \$2,644,664.00 for the base bid plus add Alternate 1, to Bill Nelson General Engineering Construction, Inc. of Fresno, for the project in the vicinity of N. Palm Avenue, E. Gettysburg Avenue and N. Maroa Avenue installation of 8" water mains
Action Taken: Awarded

9:45 A.M.

CITY COUNCIL

- A. Approve the contract for Interim City Clerk Rebecca Klisch – Council President Brand
Action Taken: Approved; Committee of Council Present Brand and Councilmembers Olivier and Quintero established to discuss selection process
- B. Establish the Home Privacy Act– Council President Brand
Action Taken: Laid over to 8/18/2011
1. **BILL – (For introduction)** - Adding Article 32 to Chapter 9 of the Fresno Municipal Code regarding door-to-door solicitation

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:50 A.M.

JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (FJPFA)

- A. Election of Fresno Joint Powers Financing Authority Chairperson and Vice-Chairperson
(Authority action)
Action Taken: Council President Brand elected Chair and Mayor Swearengin elected Vice Chair
- B. **RESOLUTION** – Approving a Promissory Note to the City of Fresno (the “City”) for up to \$50,000,000.00 in advances, and authorizing and directing the Treasurer to invest the advances in the Local Agency Investment Fund (“LAIF”) **(Authority action)**
Action Taken: Discussed and laid over one week
- C. **RESOLUTION** – Authorizing advances to the Joint Powers Financing Authority (the “JPFA” or the “Authority”) for investment in the Local Agency Investment Fund (the “LAIF”), and approving a Promissory Note from the Joint Powers Financing Authority to the City of Fresno **(Council action)**
Action Taken: Laid over one week (With item B)

ADJOURN AUTHORITY

10:00 A.M.#1

RESOLUTION - Initiating proceedings for the reversion of acreage of Final Parcel Map 2000-19, Lots A through D inclusive **(Property located at the northwest corner of Kearney Boulevard and West Avenue in District 3)** – Public Works Department **(Continue to July 28, 2011 at 10:30 a.m.)**
Action Taken: Continued as noted

10:00 A.M. #2

HEARING to consider Plan Amendment Application No. A-09-10, Rezone Application No. R-09-20, and environmental findings, filed by Herndon LLC on behalf of the Central Unified School District, pertaining to approximately 1.34 gross acres of property located on the southeast corner of W. Herndon and N. Bryan Avenues **(Property located in District 2)** – Development and Resource Management Department
Action Taken: Held/Discussed/Continued to 7/28/2011 @ 10:45 a.m.

a. Consider and adopt the environmental finding of a Mitigated Negative Declaration

b. **RESOLUTION**—Amending the 2025 Fresno General Plan and Bullard Community Plan to change the planned land use designation for the subject property from the Medium Density Residential planned land use designation to the Neighborhood Commercial planned land use designation

c. **BILL**—Amending the Official Zone Map to rezone the subject property from the AE-5/UGM *(Exclusive Five-Acre Agricultural District/Urban Growth Management Area)* to the C-1/UGM /EA *(Neighborhood Shopping Center District/Urban Growth Management Area/Expressway Area Overlay)* zone district

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. #3

HEARING to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Department

Action Taken: Held

- a. * **RESOLUTION** – Approve the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1 (City wide)

Action Taken: Resolution No. 2011-159 adopted

10:15 A.M.

CLOSED SESSION

A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** Potential litigation against Darling International, Inc.

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

CONTINUED PUBLIC PROTEST HEARING and approval of items related to the granting of non-exclusive franchises for roll-off collection services – Department of Public Utilities

Action Taken: Held

- a. Hold a public protest hearing in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
- b. * **BILL NO. B-20 – (Intro. 6/23/2011) (For adoption)** - Granting the companies listed on Attachment “A” to Exhibit “A” non-exclusive franchises for roll-off collection services within the City of Fresno

Action Taken: Ordinance No. 2011-24 adopted

- c. * **BILL NO. B-21 – (Intro. 6/23/2011) (For adoption)** - Repealing Article 2 of Chapter 6 of, and adding Article 2 to Chapter 6 to, the Fresno Municipal Code, relating to solid waste, recyclable and organic material collection and disposal

Action Taken: Ordinance No. 2011-25 adopted

- d. Authorize the Director of Public Utilities to execute agreements of non-exclusive franchises for roll-off collection services within the City of Fresno

Action Taken: Authorized

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	28 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter – <i>(Light reception immediately following – 2nd floor foyer)</i>
July	28 -	10:00 A.M.	HEARING re Community Facilities District No. 9, Annexation 1, Tract 6958
July	28 -	10:15 A.M.	Adopt Redetermination of Council District boundaries – Development and Resource Management Department
July	28 -	10:30 A.M.	RESOLUTION - Initiating proceedings for the reversion of acreage of Final Parcel Map 2000-19, Lots A through D inclusive (Property located at the northwest corner of Kearney Boulevard and West Avenue in District 3)
July	28 -	10:45 A.M.	CONTINUED HEARING re: Plan Amendment Application No. A-09-10, Rezone Application No. R-09-20, filed by Herndon LLC on behalf of the Central Unified School District
August	4 -	NO MEETING -	COUNCIL RECESS
August	11 -	NO MEETING -	COUNCIL RECESS
August	18 -	10:00 A.M.	HEARING ordering the vacation of the Shaw–Fairmont alley between N. Polk and N. Lola Avenues (Property located in District 1)
August	25 -	MEETING -	
Sept.	1 -	NO MEETING -	COUNCIL RECESS
Sept.	8 -	NO MEETING -	COUNCIL RECESS
Sept.	15 -	MEETING -	
Sept.	22 -	MEETING -	
Sept.	29 -	9:15 A.M.	Briefing on Fresno Development Code Update– Development and Resource Management Department